

UNITED STATES DISTRICT COURT

for the

Eastern District of Wisconsin

United States of America

v.

James D. Osowski

Case No.

19-809M(NJ)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 6, 2019 in the county of Milwaukee in the Eastern District of Wisconsin, the defendant(s) violated:

Code Section

Title 18, United States Code,
Section 111(a)(1)

Offense Description

The defendant, while being searched incident to arrest, intentionally and forcibly resisted and assaulted an officer of the Department of Veterans Affairs Police, while the officer was engaged in the performance of his official duties. The defendant did so in a manner that involved physical contact with the officer.

This criminal complaint is based on these facts:

See attached affidavit of Criminal Investigator Mark A. Zamborini.

☒ Continued on the attached sheet.


Complainant's signature

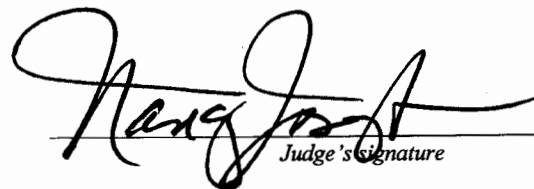
Mark A. Zamborini, Criminal Investigator

Printed name and title

Sworn to before me and signed in my presence.

Date:

February 6, 2019


Judge's signature

City and state:

Milwaukee, Wisconsin

United States Magistrate Judge Nancy Joseph

Printed name and title

AFFIDAVIT IN SUPPORT OF ARREST WARRANT AND CRIMINAL COMPLAINT

I, Mark A. Zamborini, first being duly sworn under oath, hereby depose and state as follows:

1. I am a Criminal Investigator with the United States Department of Veteran Affairs ("V.A.") Police and have been so employed for approximately 15 years. I have received training in crime scene investigation and advanced patrol work. This affidavit is based on my own personal knowledge, information gleaned from investigative reports, statements given to me by other law enforcement agents and officers, and personal review of documents and other information gathered in the course of this investigation. Because this affidavit is submitted for the limited purpose of establishing probable cause in support of the attached complaint, this affidavit does not set forth each and every fact I have learned in this investigation.

2. This affidavit is submitted in support of an arrest warrant and criminal complaint charging James D. Osowski with resisting and physically assaulting an officer of the V.A. Police, in violation of Title 18, United States Code, Section 111(a)(1).

3. On February 6, 2019, at around 12:25am, V.A. Police received a report of a car horn sounding in the V.A. parking lot. Two officers dressed in full V.A. Police uniform responded to the lot. They found an individual sitting in the driver's seat of the honking car with his forehead resting on the horn area of the car's steering wheel.

5. One officer knocked on the driver door window and then opened the driver door in an attempt to make contact with the individual, later identified as James D. Osowski. Osowski stated that he wanted to check himself into the V.A. for medical attention. The officers helped Osowski make his way to the emergency room. They noticed a strong odor of alcohol coming from Osowski's breath.

6. Osowski was eventually brought to an exam room, where he behaved belligerently and shouted profanities at the medical staff. After the doctor and nurse stepped out of the room, Osowski asked the V.A. Police officers to leave. When Osowski was informed that they would stay until he stopped behaving in a threatening manner, Osowski responded with a profane threat, rose to his feet, clenched his fists, and charged at the officer standing in the doorway. The officer raised his foot and pushed Osowski back. The officers placed Osowski under arrest for disorderly conduct. He struggled and resisted their attempts to handcuff him, and they ultimately had to take Osowski to the ground in order to do so.

7. Osowski was taken to the V.A. Police Operations Center, where he was placed in a detention cell. He was handcuffed to the wall through his left wrist, with his right arm now free. Officers began a search incident to arrest.

8. Osowski was not cooperative during this process and resisted V.A. Police Sgt. Brian Brown's attempt to remove a bracelet from Osowski's right arm. He made verbal threats and struggled with officers. As Sgt. Brown attempted to gain control of Osowski, Osowski struck Sgt. Brown in the testicles with a closed right fist. Sgt. Brown felt great pain, his knees buckled, and he lost his breath.

9. Based on the above-referenced information, there is probable cause to believe that James D. Osowski violated federal law, specifically Title 18, United States Code, Section 111(a)(1), by assaulting V.A. Police Sgt. Brian Brown.